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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,070	03/13/2001	Malcolm Jefferson	295P1US	9094
20577	7590	02/12/2004	EXAMINER	
LONG AND CAMERON SUITE 1401 - 1166 ALBERNI STREET VANCOUVER, BC V6E 3Z3 CANADA			BURNHAM, SARAH C	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/804,070	Applicant(s) JEFFERSON ET AL. af	
	Examiner Sarah C. Burnham	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>051401</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on March 14, 2000. It is noted, however, that applicant has not filed a certified copy of the 2,300,598 Canadian application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information referred to in the information disclosure statements filed on May 14, 2001 has been considered as to the merits.

Claim Objections

3. Claims 15-19 are objected to because of the following informalities: Claim 15 currently terminates with a semi-colon while it should terminate with a period. Claims 16-19 are objected to as being dependent from an objected base claim. Appropriate correction is requested.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- the respective arms (claim 9, line 3)

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 8-11 and 15-17 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 102(b) as being anticipated by Nauman et al.

(5,149,112). With respect to claims 1 and 15, Nauman discloses a child carrier attachment (Figure 7) for a bicycle (10), comprising a support device (30) and a child's seat (112) mounted on said support device (30), said support device comprising: an elongate support (32)(34); a rear fastener (40) on said support (32), said rear fastener comprising a rear clamping device (48)(50)(58)(60)(52)(54)(68)(70) which is adjustable into gripping engagement with a saddle post (14) of the bicycle (10) to secure said support device (30) to said saddle post (14); and a front fastener (42) on said support (32)(34), said front fastener (42) comprising a front clamping device (48)(50)(58)(60)(52)(54)(68)(70) which is adjustable into gripping engagement with a

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steering post (18) of said bicycle (10) (note: Nauman discloses front fastener (42) as being attached to the diagonal tube (22) in the Figures, however, he states that "conversion bar 30 could also be attached to handle bar tube 18" (column 3, lines 43-45)); said support device (32)(34) are telescopically adjustable to vary the spacing of said front (42) and rear (40) clamping devices.

With respect to claims 2, 3 and 16, said elongate support (32)(34) is adjustable in length given that it comprises a pair of members (or front and rear support bars) (32)(34) that "form a telescoping, adjustable conversion bar" (column 3, lines 48-49).

With respect to claim 4, said front (42) and rear (40) clamping devices (48)(50)(58)(60)(52)(54)(68)(70) are adjustable to fit posts of various diameters given that the bolt (58) can be tightened or loosened to expand arms (80) or contract arms (80) for various size posts.

With respect to claim 5, said rear (40) clamping device (48)(58)(60)(52)(54)(68)(70) comprises a pair of rearward projecting arms (48)(50), and spacer member (70)(68) on said arms (48)(50), said spacer members (70)(68) being spaced apart by a gap (unlabeled) to receive the saddle post (14) there between, and being adjustable, given that the spacers (70)(68) are made of a cushioning material such as rubber, to vary the size of said gap.

With respect to claim 6 and 15, said rear (40) clamping device (80)(80)(58)(60)(52)(54)(68)(70) includes a pair of threaded retainers (64)(56) and a pair of threaded members (52)(58) extending through said arms (48)(50) into threaded

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engagement with said threaded retainers (64)(56) for tightening said arms (48)(50) together.

With respect to claim 8, said spacer members (68)(70) are of a hollow rectangular cross-section (given that the spacers (68)(70) are concave as best depicted in Figure 3) and receive said arms there through, said spacer members (68)(70) having opposite walls (unlabeled) of different thickness (given the concavity, again best depicted in Figure 3), whereby said gap is adjustable by repositioning said spacer members (68)(70) on said arms (80)(80).

With respect to claim 9, the front (42) clamping device (80)(80)(58)(60)(52)(54)(68)(70) comprises a forwardly open yoke (48) and a curved clamp bracket (50)(74) having opposite ends (unlabeled), fasteners (58)(52) securing said opposite ends (unlabeled) to the respective arms (unlabeled) of said yoke (48) and at least one curved spacer member (68) located between said bracket (50)(74) and said yoke (48).

With respect to claims 10 and 17, said seat (112) is adjustable in position (given the fact that it can be slid) along said support (32)(34).

With respect to claims 11 and 17, a releasable seat fastener (120)(128) securing said seat (112) in position along said support (32)(34).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Nauman et al. (5,149,112) in view of Kamijo (JP 07269543 A). As disclosed above, Nauman et al. reveals all claimed elements with the exception of compressible sleeves mounted on said threaded members.

Kamijo reveals the use of rubber sleeves (2) and (3) mounted on a screw (1) to maintain elasticity power.

It would have been obvious to one of ordinary skill in the art at the time of the instant invent to mount rubber sleeves (2)(3) on threaded members (52)(58) revealed by Nauman et al. in order maintain the elasticity power between the threaded members (52)(58) and the threaded retainers (64)(56).

10. Claims 12-14 and 18-19 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Nauman et al. (5,149,112) in view of Jefferson (5,104,188). Nauman et al. discloses all claimed elements with the exception of a seat fastener that comprises a threaded member and a headrest attachment.

Jefferson teaches the use of a seat (12)(14)(20) that is moveable along a fixed support device (26) upon the slackening threaded member (24). Seat (12)(14)(20) has a headrest (34)(34a) attached thereto.

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It would have been obvious to one of ordinary skill in the art at the time of the instant invention to attach seat (12)(14)(20) including headrest (34)(34a) to the support (32)(34) disclosed by Nauman et al. in place of the circular seat (112). The seat (12)(14)(20) including headrest (34)(34a) disclosed taught by Jefferson would provide more support to a child given the presence of footrests and therefore improve the comfort of both the child and the operator of the bicycle.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to auxiliary seats for bicycles in general:

- Loewke et al. (6,264,223)
- Forman (5,497,906)
- Rastetter et al. (460,031)
- Sager (453,212)
- Miree (5,927,801)
- Hilk (6,435,523)
- Bishaf et al. (5,330,215)


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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
February 6, 2004


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